



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 24, 1997

Mr. Robert E. Luna  
Law Office of Robert E. Luna, P.C.  
4411 North Central Expressway  
Dallas, Texas 75205

OR97-2570

Dear Mr. Luna:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 111048.

The Coppel Independent School District (the "school district"), which you represent, received a request for access to "any and all invoices submitted to the CISD by Dr. Douglas Keene for the period of January 1, 1994 to date." You contend that the requested documents are excepted from disclosure pursuant to sections 552.026 and 552.114 of the Government Code and various federal statutes. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.026 provides as follows:

This chapter does not require the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, Sec. 513, Pub. L. No. 93-380, 20 U.S.C. Sec. 1232g.

The Family Educational Rights and Privacy Act of 1974 ("FERPA") provides that no federal funds will be made available under any applicable program to an educational agency or institution that releases personally identifiable information (other than directory information) contained in a student's education records to anyone but certain enumerated federal, state, and local officials and institutions, unless otherwise authorized by the student's parent. *See* 20 U.S.C. § 1232g(b)(1). "Education records" means those records that contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for such agency or institution. *Id.* § 1232g(a)(4)(A).

For purposes of FERPA, the submitted documents constitute "education records" to the extent that they contain information that identifies a student. This office has previously held that information must be withheld from required public disclosure under FERPA only to the extent "reasonable and necessary to avoid personally identifying a particular student." See Open Records Decision Nos. 332 (1982), 206 (1978). We have marked the information in the submitted documents that is protected by FERPA.<sup>1</sup> The school district must withhold the marked information from disclosure pursuant to section 552.026 of the Government Code. The school district must release the remaining information to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 111048

Enclosures: Submitted documents

cc: Mr. R.G. Harrell  
548 W. Oak Grove  
Coppell, Texas 75019  
(w/o enclosures)

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<sup>1</sup>You also claim that the submitted documents are confidential under 20 U.S.C.A. § 14107(c), a provision of the Individuals with Disabilities Education Act. We note, however, that this provision protects only "personally identifiable" information about a student. Therefore, we do not believe that this provision provides any greater protection for the submitted documents than FERPA.